

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

```
-----X
:
AMERICAN BROADCASTING COMPANIES,
INC., et al.                                     :
:
:          Plaintiffs,                           :
:
:   -against-                                   :   12 Civ. 1540 (AJN) (HBP)
:
AEREO INC.,                                     :
:
:          Defendant.                           :
:
-----X
:
WNET, et al.                                     :
:
:          Plaintiffs,                           :
:
:   -against-                                   :   12 Civ. 1543 (AJN) (HBP)
:
AEREO INC.,                                     :   ORDER
:
:          Defendant.                           :
:
-----X
```

PITMAN, United States Magistrate Judge:

A conference having been held on June 4, 2013, during which various discovery disputes and scheduling issues were discussed, for the reasons stated on the record in open court, it is hereby ORDERED that:

1. Defendant's application for a protective order concerning the WNET Plaintiffs' Request for Inspection dated April 16, 2013 is denied in part and granted in

part. The application is granted as to Request No. 2 and is denied as to Requests Nos. 1 and 3. The WNET Plaintiffs shall reimburse defendant for any out-of-pocket expenses it incurs in connection with the WNET Plaintiffs' inspection. The WNET Plaintiffs are further directed to work with defendant to insure that the inspection occurs at a time that will be least disruptive to defendant's business operations.

2. To the extent that certain plaintiffs object to defendant's continuing to conduct discovery notwithstanding defendant's motion for summary judgment, such objections are overruled.

3. The discovery and pretrial schedule is amended as follows:

a. All fact discovery shall be completed by August 14, 2013. Plaintiffs shall complete their document productions by June 14, 2013.

b. Plaintiffs shall make all disclosures required by Federal Rule of Civil Procedure 26(a)(2) no later than September 16, 2013.

c. Defendant shall make all disclosures required by Federal Rule of Civil Procedure 26(a)(2) no later than October 15, 2013.

d. All expert witness depositions shall be completed no later than November 14, 2013.

e. Dispositive motions, if any, shall be served and filed no later than December 16, 2013.

f. The Pretrial Order, in the form required by Judge Nathan, along with all other pretrial submissions required by Judge Nathan, shall be filed on January 14, 2014, or thirty days after the final decision on any dispositive motion (if the pretrial order is still necessary after such decision), whichever date is later. For the convenience of all parties, a copy of Judge Nathan's rules is available on the Court's website:

www.nysd.uscourts.gov.

4. Defendant's application to compel the deposition of Leslie Moonves is denied without prejudice to renewal. Defendant may serve interrogatories upon CBS seeking the identification of employees with knowledge of the facts underlying the statements made by Mr. Moonves during the earnings calls cited in defendant's May 10, 2013 letter. CBS shall respond to such interrogatories within ten business days.


5. Unless I am advised that there are no discovery disputes ripe for resolution, a discovery conference will be held on Thursday June 20, 2013 at 2:00 p.m. in Courtroom 18A. Any party wishing to raise an issue at the June 20 conference shall fax a letter to my chambers (fax (212) 805-6111) no later than 5:00 p.m. on Monday June 17, 2013. Any letter submitted shall contain a certification that it is no more than 1500 words in length and that counsel has had a viva voce conversation -- not merely an exchange of correspondence, emails or faxes -- with the adverse party in a good faith attempt to resolve the dispute without my intervention. Opposition letters shall not be submitted.

6. In the event that plaintiffs are unable to complete production of the retransmission agreements and associated documents by June 14, 2013, plaintiffs' counsel are directed to have a viva voce conversation with defendant's counsel in an effort to resolve any issues concerning the production schedule for these documents. If the parties are unable to reach a

resolution, they may raise such issue before me at the
discovery conference on June 20, 2013.

Dated: New York, New York
June 12, 2013

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

All Counsel